

Pt. 1240

16 CFR Ch. II (1–1–15 Edition)

may affect the bounded opening(s), to create the opening(s) size that is most likely to cause failure.

(ii) [Reserved]

PART 1240—SAFETY STANDARD FOR MAGNET SETS (Eff. 4-1-15)

Sec.

1240.1 Scope, purpose, and effective date.

1240.2 Definitions.

1240.3 Requirements.

1240.4 Test procedure for determining flux index.

1240.5 Findings.

AUTHORITY: 15 U.S.C. 2056 and 2058.

SOURCE: 79 FR 59986, Oct. 3, 2014, unless otherwise noted.

EFFECTIVE DATE NOTE: At 79 FR 59986, Oct. 3, 2014, part 1240 was added, effective April 1, 2015.

§ 1240.1 Scope, purpose, and effective date.

This part 1240, a consumer product safety standard, prescribes requirements for magnet sets, as defined in § 1240.2, and for individual magnets that are marketed or intended for use with or as magnet sets. These requirements are intended to reduce or eliminate an unreasonable risk of injury to consumers who ingest magnets that are part of magnet sets. This standard takes effect on April 1, 2015 and applies to all magnet sets and individual magnets, as defined in § 1240.2, that are manufactured or imported on or after that date.

§ 1240.2 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this part 1240.

(b) *Magnet set* means: Any aggregation of separable magnetic objects that is a consumer product intended, marketed or commonly used as a manipulative or construction item for entertainment, such as puzzle working, sculpture building, mental stimulation, or stress relief. Relevant factors in determining intended uses of a magnet set include, but are not limited to: The manufacturer's stated intent (such as on a label or Web site), if reasonable under the circumstances; the content and nature of advertising, promotion, marketing, packaging, or display relat-

ing to the product; and the uses for which the product is commonly recognized by consumers.

(c) *Individual magnet* means: An individual magnetic object intended or marketed for use with or as a magnet set as defined in paragraph (b) of this section.

§ 1240.3 Requirements.

Each magnet in a magnet set, and any individual magnet, that fits completely within the cylinder described in 16 CFR 1501.4 must have a flux index of 50 kG² mm² or less when tested in accordance with the method described in § 1240.4.

§ 1240.4 Test procedure for determining flux index.

(a) Select at least one magnet of each shape and size in the magnet set.

(b) Measure the flux index of each selected magnet in accordance with the procedure in sections 8.24.1 through 8.24.3 of ASTM F963-11, *Standard Consumer Safety Specification for Toy Safety*, approved on December 1, 2011. The Director of the FEDERAL REGISTER approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Barr Harbor Drive, PO Box 0700, West Conshohocken, PA 19428; telephone 610-832-9585; www.astm.org. You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301-504-7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

§ 1240.5 Findings.

(a) *Degree and nature of the risk of injury.* (1) Based on a review of National Electronic Injury Surveillance System (NEISS) data, we have determined that an estimated 2,900 ingestions of magnets from magnet sets were treated in emergency departments during the